

## BEFORE THE CONTRACTORS BOARD

## STATE OF IDAHO

In the Matter of the Registration of:	)	
	)	Case No. CON-2007-63
P & D CONSTRUCTION,	)	
Registration No. RCE-10602,	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW AND</b>
Respondent.	)	<b>FINAL ORDER</b>
	)	

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Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho State Contractors Board (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

**FINDINGS OF FACT**

1. P & D Construction ("Respondent") is an assumed business name of Joe DeGrange and is registered with the Board under Registration No. RCE-10602 to engage in the practice of contracting. Respondent's registration expired on January 25, 2008, and Respondent's registration was canceled as of January 26, 2008. Respondent has not renewed its registration; however, pursuant to Idaho Code § 67-2614, Respondent retains the right to renew its registration for up to five (5) years after cancellation by paying the required fees.

2. On June 27, 2006, the Bureau of Occupational Licenses was informed that Respondent's general liability insurance required by Idaho Code § 54-5210 was canceled as of June 20, 2006.

3. On August 11, 2006, the Bureau of Occupational Licenses sent Respondent a letter requesting proof of general liability insurance coverage. Respondent failed to respond to the August 11, 2006, letter.

4. On or about January 9, 2007, Respondent submitted a Renewal Application for Registration No. RCE-10602 and answered "yes" to the question: "Do you (or the named business entity) hold a current General Liability insurance policy providing



coverage of not less than \$300,000 single limit?" A true and correct copy of the Renewal Application submitted by Respondent is attached hereto as Exhibit A.

5. On March 20, 2007, the Bureau of Occupational Licenses sent Respondent a letter requesting proof of general liability insurance coverage. Respondent failed to respond to the March 20, 2007, letter.

6. On or about September 14, 2009, Respondent voluntarily surrendered its registration, admitting to violations of the Contractor Registration Act. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit B.

7. Respondent knowingly and freely waived its right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

#### **CONCLUSIONS OF LAW**

1. As a registered contractor in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 52, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaint, if proven, would constitute violations of the Contractor Registration Act and Rules and constitute grounds for revocation or suspension of Respondent's registration to practice contracting pursuant to Idaho Code §§ 54-5210(1)(e) (contractors shall maintain general liability insurance covering construction operations in the sum of not less than \$300,000 single limit), 54-5215(2)(a) (Board has authority to impose discipline against a registered contractor for failure to keep current or provide insurance coverage as required by the Idaho Contractor Registration Act), and 54-5215(2)(c) (Board may discipline a contractor who employed fraud or deception, made a misrepresentation or misstatement, or employed any unlawful means in applying for or securing registration as a contractor).

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3. Respondent's voluntary surrender of its registration authorizes the Board to revoke or suspend Respondent's registration, including any renewal rights, without further process.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown:

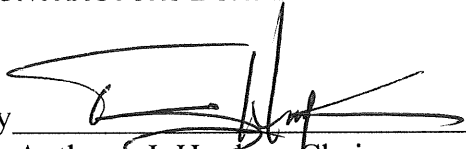
1. Respondent's Registration No. RCE-10602 and right of reinstatement or renewal are hereby REVOKED.

2. Respondent shall pay investigative costs and attorney fees incurred by the Board in the amount of One Hundred and No/100 Dollars (\$100.00) within sixty (60) days of the entry of the Board's Order.

This order is effective immediately.

DATED this 13<sup>th</sup> day of OCTOBER, 2009.

IDAHO STATE  
CONTRACTORS BOARD

By   
Anthony J. Hughes, Chair

### **NOTICE OF DUE PROCESS RIGHTS**

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).



Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14<sup>th</sup> day of October, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Mr. Joe DeGrange  
P & D Construction  
520 S. Tschirgi Street  
Sheridan, WY 82801-4725

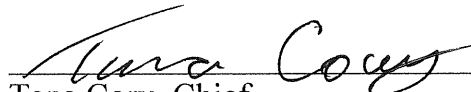
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Michael J. Elia  
MOORE, BASKIN & ELIA, LLP  
P.O. Box 6756  
Boise, ID 83707

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Karin Magnelli  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
\_\_\_\_\_  
Tana Cory, Chief  
Bureau of Occupational Licenses



Owyhee Plaza  
1109 Main St., Suite 220  
Boise, Idaho 83702-5642

STATE OF IDAHO  
BUREAU OF OCCUPATIONAL LICENSES  
**RENEWAL APPLICATION**

(208) 334-3233  
ibol@ibol.idaho.gov  
Website www.ibol.idaho.gov

Registration #: **RCE-10602**

Expiration Date: **01/24/2007**

The fee noted will be applied to renew your registration for the next registration period. This completed application must be received by the Bureau &/or postmarked **before** the expiration date noted above. **As required by law, all registration renewal applications received after the expiration date will be assessed a reinstatement fee of \$25.00 in addition to the renewal fee.**

Renewal Fee: \$25.00  
Past Renewal Fee(s): \$0.00  
Reinstatement Fee: \$0.00  
Other Fees/Credits: \$0.00

Total Due: \$25.00

If paid before 01/24/2007

ALL RETURNED CHECKS ARE SUBJECT TO A \$20 COLLECTION FEE.

P&D CONSTRUCTION  
JOE DEGRANGE, ET AL  
10302 SHILOH DR  
BOISE ID 83704

RECEIVED  
JAN 09 2007  
OCCUPATIONAL LICENSES

NOTE: Name &/or Address of Record  
changes must be made with the Name-  
Address Change form.

24490 / 25

**THIS FORM MUST BE COMPLETED AND SUBMITTED IN ITS ENTIRETY**

Please make check or money order payable to IBOL and submit this form with the required fee to the address noted above.

**Some responses to the questions below may result in a request for additional information. Your renewal may be delayed until your response is received.**

You may also submit your renewal online at [www.ibol.idaho.gov](http://www.ibol.idaho.gov)


**QUESTIONS**

What is your Primary Construction Type (Ref#) 090 (see attached list and choose 1 type only.)

1. [ ] YES ☒ NO Since the date of your last application have you (or any owner of the named business entity) pled guilty, received a conviction, finding of guilt, withheld judgment, or suspended sentence for any felony in this or any other jurisdiction?
2. [ ] YES ☒ NO Since the date of your last application have you (or any owner of the named business entity) received any type of disciplinary sanction, restriction, or limitation from any regulatory licensing authority or organization in this or any other jurisdiction?
3. ☒ YES [ ] NO Do you (or the named business entity) hold a current Worker's Compensation insurance policy or are you exempt by law from carrying such insurance?
4. ☒ YES [ ] NO Do you (or the named business entity) hold a current General Liability insurance policy providing coverage of not less than \$300,000 single limit?

**AFFIDAVIT**

I hereby certify under penalty of perjury that my responses to each of the above and any that may be attached are true and correct. I further certify that I have read and will comply with the laws and rules governing any activity that may be authorized subsequent to this application.

  
Owner or Authorized Agent Signature

20-2671168  
Federal Tax ID #

Your failure to respond to each of the questions and provide requested documentation and responses will invalidate this application. The Board will conduct random audits subsequent to renewal to insure compliance with the insurance requirements.



\* R C E - 1 0 6 0 2 \*



# IDAHO BUREAU OF OCCUPATIONAL LICENSES

## VOLUNTARY SURRENDER OF REGISTRATION

I, JOE DEGRANGE, owner of P & D CONSTRUCTION, hereby voluntarily surrender my registration to practice as a contractor in the State of Idaho. I agree and consent that the surrender of my registration to practice is done without an order, order to show cause, hearing, or any other proceeding compelling its surrender. In view of my failure to comply with Idaho Law, title 54, chapter 52, Idaho Code, and the rules promulgated by the Contractors Board ("Board"), and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I voluntarily surrender my registration to practice in the State of Idaho and agree to immediately discontinue the practice of contracting in this state.

I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code, and the laws and rules governing the practice of contracting, title 54, chapter 52, Idaho Code. I hereby freely and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board. I further waive any registration renewal rights provided by Idaho Code § 67-2614.

I acknowledge that in surrendering my registration to practice, I am not making any admissions; however, I specifically waive the right to contest this relinquishment in any subsequent proceeding. I acknowledge that the Board has jurisdiction to proceed against my registration pursuant to Idaho Code § 54-5215. I understand that the Board may enter an order either revoking or suspending my registration to practice, including any renewal rights, based upon my voluntary surrender of my registration, which order may include a civil penalty and/or the imposition of costs and fees incurred by the Board in its investigation and prosecution of any claims or allegations against me, and I hereby consent to the imposition of such discipline.

I understand and acknowledge that by surrendering my registration to practice, all of the privileges associated with said registration are hereby surrendered until such time as I am again properly registered. I understand that to regain a registration to practice in the State of Idaho, I must re-apply to the Board pursuant to the provisions of title 54, chapter 52, Idaho Code, and all applicable rules and orders entered by the Board. I understand and agree that any decision regarding reinstatement of my registration is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement of my registration or any registration application that I may submit.


I waive refund of any payments made by me in connection with my registration under the Contractor Registration Act and any rules promulgated thereunder.

Name of Registrant: P & D Construction

Registration No.: RCE-10602

Address: 520 S. Tschirgi Street Sheridan, WY  
*street* *city*

82801-4725  
*zip*

Signature of Owner of Registrant:   
Joe DeGrange

Date: 9-14-09

Signature of Witness: 

Date: 9-14-09

Exhibit B  
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[Rev. 10-07]